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June 20, 2003

Date of Deposit

Heidi A. Dare, Reg. No. 50, 775

Name of Applicant, Assignee or
Registered Representative

Heidi A. Dare

Signature

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Date of Signature

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Our Case No.: 10402/5

Client Ref. No. U-3253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Christof Westenfelder

Examiner: Unknown

Serial No.: 10/003,352

Group Art Unit No.: 1614

Filing Date: November 1, 2002

For: METHOD OF USE OF
ERYTHROPOIETIN TO TREAT
ISCHEMIC ACUTE RENAL
FAILURE

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this First Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the

Examiner and made of record. Copies of the listed documents required by 37 C.F.R.

§ 1.98(a)(2) are enclosed for the convenience of the Examiner.

The references now cited are the following:

OTHER ART DOCUMENTS

| No. | Author and Title of Document |
|-----|---|
| B1 | Nemoto et al., " <i>Recombinant Erythropoietin Rapidly Treats Anemia in Ischemic Acute Renal Failure</i> ," J. Am. Soc. Nephrol. September 2000, Vol. 11, p. 594A, Abstract A3134. |
| B2 | Nemoto et al., " <i>Recombinant Erythropoietin Rapidly Treats Anemia in Ischemic Acute Renal Failure</i> ," Kidney Intl. January 2001, Vol. 59, pp. 246-251, especially p. 246, Col. 1, 1 st para.; p. 247, Col. 1, 1 st para.; pp. 249-250, Discussion. |
| B3 | Tan et al., " <i>Erythropoietin Production in Rats with Post-Ischemic Acute Renal Failure</i> ," Kidney Intl. 1996, Vol. 50, pp. 1958-1964, especially abstract, p. 1963, Col. 2, last para. |
| B4 | Westenfelder et al., " <i>Erythropoietin (EPO) Treatment Ameliorates Ischemic Acute Renal Failure (ARF) in Rats by its Anti-Apoptotic, Motogenic, and Mitogenic Actions</i> ," J. Am. Soc. Nephrol., September 2001, Vol.12, Program and Abstract Issue, p. 739 A, Abstract A3857 |
| B5 | Westenfelder et al., " <i>Anti-Apoptotic, Mitogenic, and Motogenic Actions of Erythropoietin on Tubular Cells Protect Renal Function and Accelerate Recovery from Ischemic Acute Renal Failure in Rats</i> ," J. Invest. Med. January 2001, Vol. 49, No. 1, p. 89A, Abstract 319. |
| B6 | Westenfelder et al., " <i>Mitogenic and Motogenic Actions of Erythropoietin (EPO) on Tubular Cells Appear to Accelerate Recovery from Ischemic Acute Renal Failure (ARF) in Rats</i> ," J. Am. Soc. Nephrol September 2000, Vol. 11, Program and Abstract Issue, p. 597A, Abstract A3148. |
| B7 | Westenfelder et al., " <i>Unexpected Renal Actions of Erythropoietin</i> ," Exp. Nephrol. 2002, Vol. 10, pp. 294-298, especially Abstract, p. 296, Col. 1, 3 rd para. and section (c) on pp. 296-297. |
| B8 | Copy of International Search Report corresponding to PCT Application PCT/US02/35164 dated June 4, 2003, 3 pages. |

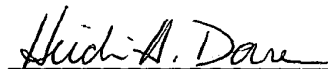
In accordance with 37 C.F.R. § 1.97(g),(h), this First Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This First Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this First Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

In accordance with 37 C.F.R. § 1.97(e)(1), Applicant(s) hereby certify that each item of the information disclosed in this First Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to filing of the present statement, as evidenced by the date of the enclosed search report.

Applicant(s) respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



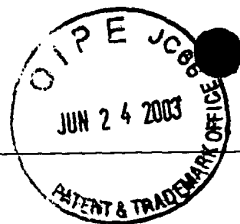
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| FORM PTO-1449 | SERIAL NO. 10/003,352 | CASE NO. 10402/5 Client Ref. No. U-3253 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | FILING DATE November 1, 2002 | GROUP ART UNIT 1614 |
| (use several sheets if necessary) | | APPLICANT(S): Christof Westenfelder |

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|---------------------|--|------|------|--------------------|----------------|
| | | | | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES OR NO |
|---------------------|--|------|---------|--------------------|--------------------------|
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OTHER ART - NON PATENT LITERATURE DOCUMENTS

| EXAMINER INITIAL | (Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published. | | | | |
|---------------------|--|--|--|--|--|
| | B1 | Nemoto et al., "Recombinant Erythropoietin Rapidly Treats Anemia in Ischemic Acute Renal Failure," J. Am. Soc. Nephrol. September 2000, Vol. 11, p. 594A, Abstract A3134. | | | |
| | B2 | Nemoto et al., "Recombinant Erythropoietin Rapidly Treats Anemia in Ischemic Acute Renal Failure," Kidney Intl. January 2001, Vol. 59, pp. 246-251, especially p. 246, Col. 1, 1 st para.; p. 247, Col. 1, 1 st para.; pp. 249-250, Discussion. | | | |
| | B3 | Tan et al., "Erythropoietin Production in Rats with Post-Ischemic Acute Renal Failure," Kidney Intl. 1996, Vol. 50, pp. 1958-1964, especially abstract, p.1963, Col. 2, last para. | | | |
| | B4 | Westenfelder et al., "Erythropoietin (EPO) Treatment Ameliorates Ischemic Acute Renal Failure (ARF) in Rats by its Anti-Apoptotic, Motogenic, and Mitogenic Actions," J. Am. Soc. Nephrol., September 2001, Vol.12, Program and Abstract Issue, p. 739 A, Abstract A3857. | | | |
| | B5 | Westenfelder et al., "Anti-Apoptotic, Mitogenic, and Motogenic Actions of Erythropoietin on Tubular Cells Protect Renal Function and Accelerate Recovery from Ischemic Acute Renal Failure in Rats," J. Invest. Med. January 2001, Vol. 49, No. 1, p. 89A, Abstract 319. | | | |
| | B6 | Westenfelder et al., "Mitogenic and Motogenic Actions of Erythropoietin (EPO) on Tubular Cells Appear to Accelerate Recovery from Ischemic Acute Renal Failure (ARF) in Rats, J. Am. Soc. Nephrol. September 2000, Vol. 11, Program and Abstract Issue, p. 597A, Abstract A3148. | | | |
| | B7 | Westenfelder et al., "Unexpected Renal Actions of Erythropoietin," Exp. Nephrol. 2002, Vol. 10, pp. 294-298, especially Abstract, p. 296, Col. 1, 3 rd para. and section (c) on pp. 296-297 | | | |
| | B8 | Copy of International Search Report corresponding to PCT Application PCT/US02/35164 dated June 4, 2003, 3 pages. | | | |

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| EXAMINER | DATE CONSIDERED |
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.